

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PARIS MORTON,

Plaintiff,

V.

KISEANA GAINES,

Defendant.

Case No. 2:23-cv-00243-CDS-NJK

ORDER

[Docket Nos. 2, 5]

On March 3, 2023, Plaintiff filed an application to proceed in this action *in forma pauperis*.

13 Docket No. 5. Subject to the conditions outlined below, the Court **GRANTS** the application to
14 proceed *in forma pauperis*.

Plaintiff must pay an initial partial filing fee of the greater of twenty percent of the average monthly deposits or twenty percent of the average monthly balance of his account for the six months immediately preceding the commencement of this action. *See* 28 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$18.41, and her average monthly deposit is \$146.21. Docket No. 5 at 4. Therefore, the Court finds that Plaintiff must pay an initial partial filing fee of \$29.26.

Accordingly, IT IS ORDERED:

1. Plaintiff's application to proceed *in forma pauperis* without having to prepay the
full filing fee is **GRANTED**. Docket No. 5. However, Plaintiff shall be required to pay an initial
installment fee in the amount of \$29.26 toward the full filing fee of \$402, which includes the \$350
filing fee and a \$52 administrative fee. Plaintiff shall have the designated fee sent to the Clerk's
Office, no later than **April 21, 2023**. Failure to do so may result in dismissal of this action.

¹ Furthermore, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).¹

3 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
4 prepayment of any additional fees or costs or the giving of security therefor. This Order granting
5 *in forma pauperis* status shall not extend to the issuance and/or service of subpoenas at government
6 expense.

7 3. The Clerk's Office shall provide Plaintiff with two copies of this Order. Plaintiff
8 is ordered to make the necessary arrangements to have one copy of this Order attached to the check
9 in the amount of the designated fee.

10 4. The Clerk's Office shall send a copy of this Order to the attention of the inmate
11 accounts department at Clark County Detention Center, P.O. Box 96777, Las Vegas, Nevada
12 89193. Pursuant to 28 U.S.C. § 1915(b)(2), Clark County Detention Center shall forward to the
13 Clerk of the United States District Court, District of Nevada, twenty percent of the preceding
14 month's deposits to Plaintiff's inmate trust account (in the months that the account exceeds \$10.00)
15 until the full \$402 filing fee has been paid for this action.

16 5. The Clerk's Office shall provide a copy of this Order to the Finance Division of the
17 Clerk's Office.

18 6. Because Plaintiff's complaint has not yet been screened, no operative pleading
19 currently exists. Therefore, Plaintiff's motion for appointment of counsel, Docket No. 2, is
20 **DENIED** without prejudice as premature.

21 IT IS SO ORDERED.

22 Dated: March 6, 2023


Nancy J. Koppe
United States Magistrate Judge

²⁷ After it has received the partial filing fee as ordered herein, the Court will screen Plaintiff's
²⁸ complaint as required by 28 U.S.C. § 1915. Nothing in this order should be construed as suggesting that the Court will allow any of Plaintiff's claims to proceed past the screening phase.